

SENATE BILL NO. 253

INTRODUCED BY J. O'NEIL

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A QUALIFIED ELECTOR WHO RESIDES IN A MUNICIPALITY'S PLANNING OR ZONING JURISDICTION BUT OUTSIDE OF THE BOUNDARIES OF THE MUNICIPALITY TO VOTE IN THE MUNICIPALITY'S ELECTIONS; AND AMENDING SECTION 13-1-101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-1-101, MCA, is amended to read:

"13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means an elector who voted in the previous federal general election and whose name is on the active list.

(2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

(3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(4) "Application for voter registration" means a voter registration form prescribed by the secretary of state that is completed and signed by an elector, submitted to the election administrator, and contains voter registration information subject to verification as provided by law.

(5) "Ballot" means:

(a) a paper ballot used with a paper-based system, such as an optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots; or

(b) a nonpaper ballot, such as a ballot used with a nonpaper-based system, such as a lever machine, a direct recording electronic machine, or other technology.

(6) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;

(b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee

1 to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination
2 or election to any office at any time, whether or not the office for which the individual will seek nomination or
3 election is known when the:

4 (i) solicitation is made;

5 (ii) contribution is received and retained; or

6 (iii) expenditure is made; and

7 (c) an officeholder who is the subject of a recall election.

8 (7) (a) "Contribution" means:

9 (i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value
10 to influence an election;

11 (ii) a transfer of funds between political committees;

12 (iii) the payment by a person other than a candidate or political committee of compensation for the
13 personal services of another person that are rendered to a candidate or political committee.

14 (b) ~~"Contribution"~~ Contribution does not mean:

15 (i) services provided without compensation by individuals volunteering a portion or all of their time on
16 behalf of a candidate or political committee or meals and lodging provided by individuals in their private
17 residences for a candidate or other individual;

18 (ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
19 broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

20 (iii) the cost of any communication by any membership organization or corporation to its members or
21 stockholders or employees; or

22 (iv) filing fees paid by the candidate.

23 (8) "Election" means a general, regular, special, or primary election held pursuant to the requirements
24 of state law, regardless of the time or purpose.

25 (9) "Election administrator" means the county clerk and recorder or the individual designated by a
26 county governing body to be responsible for all election administration duties, except that with regard to school
27 elections, the term means the school district clerk.

28 (10) "Elector" means:

29 (a) an individual qualified to vote under state law; or

30 (b) in the case of municipal elections, an individual qualified to vote under state law who resides within

1 the jurisdictional area established in 76-2-310.

2 (11) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift
3 of money or anything of value made for the purpose of influencing the results of an election.

4 (b) ~~"Expenditure"~~ Expenditure does not mean:

5 (i) services, food, or lodging provided in a manner that they are not contributions under subsection (7);

6 (ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or
7 personal necessities for the candidate and the candidate's family;

8 (iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
9 broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

10 (iv) the cost of any communication by any membership organization or corporation to its members or
11 stockholders or employees.

12 (12) "Federal election" means a general or primary election in which an elector may vote for individuals
13 for the office of president of the United States or for the United States congress.

14 (13) "General election" or "regular election" means an election held for the election of public officers
15 throughout the state at times specified by law, including elections for officers of political subdivisions when the
16 time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues
17 required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the
18 legislature to the electors at a general election, ~~"general election"~~ general election means an election held at the
19 time provided in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to
20 be submitted as a constitutional initiative at a regular election, regular election means an election held at the time
21 provided in 13-1-104(1).

22 (14) "Inactive elector" means an individual who failed to vote in the preceding federal general election
23 and whose name was placed on an inactive list pursuant to 13-2-220.

24 (15) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220.

25 (16) "Individual" means a human being.

26 (17) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval
27 or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall
28 questions, school levy questions, bond issue questions, or a ballot question. For the purposes of chapters 35
29 and 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure
30 necessary for its qualification and placement upon the ballot has been completed, except that a statewide issue

1 becomes a "ballot issue" upon approval by the secretary of state of the form of the petition or referral.

2 (18) "Legally registered elector" means an individual whose application for voter registration was
3 accepted, processed, and verified as provided by law.

4 (19) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee,
5 club, union, or other organization or group of individuals or a candidate as defined in subsection (6).

6 (20) "Political committee" means a combination of two or more individuals or a person other than an
7 individual who makes a contribution or expenditure:

8 (a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a
9 petition for nomination; or

10 (b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue;
11 or

12 (c) as an earmarked contribution.

13 (21) "Political subdivision" means a county, consolidated municipal-county government, municipality,
14 special district, or any other unit of government, except school districts, having authority to hold an election for
15 officers or on a ballot issue.

16 (22) "Primary" or "primary election" means an election held throughout the state to nominate candidates
17 for public office at times specified by law, including nominations of candidates for offices of political subdivisions
18 when the time for nominations is set on the same date for all similar subdivisions in the state.

19 (23) "Provisional ballot" means a ballot cast by an elector whose identity and eligibility to vote have not
20 been verified as provided by law.

21 (24) "Provisionally registered elector" means an individual whose application for voter registration was
22 accepted but whose eligibility has not yet been verified as provided by law.

23 (25) "Public office" means a state, county, municipal, school, or other district office that is filled by the
24 people at an election.

25 (26) "Registrar" means the county election administrator and any regularly appointed deputy or assistant
26 election administrator.

27 (27) "Special election" means an election other than a statutorily scheduled primary or general election
28 held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled
29 election.

30 (28) "Statewide voter registration list" means the voter registration list established and maintained

1 pursuant to 13-2-107 and 13-2-108.

2 (29) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an
3 elector to transfer the elector's registration when the elector's residence address has changed within the county.

4 (30) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in
5 13-15-206.

6 (31) "Voting system" or "system" means any machine, device, technology, or equipment used to
7 automatically record, tabulate, or process the vote of an elector cast on a paper or nonpaper ballot."

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